

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Colin Stirling Bruce

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Central District of Illinois

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office
201 South Vine Street
Suite 226
Urbana, Illinois 61801

4. **Birthplace**: State year and place of birth.

1965; Urbana, Illinois

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1986 – 1989, University of Illinois; J.D., 1989
1983 – 1986, University of Illinois; B.A., 1986

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1989 – present
United States Attorney's Office for the Central District of Illinois
201 South Vine Street
Suite 226
Urbana, Illinois 61801
First Assistant United States Attorney (2010 – present)

Urbana Branch Supervisor (2007 – 2010)
Assistant United States Attorney (1989 – 2007)

1988 – 1989
University of Illinois
Institute of Government and Public Affairs
1007 West Nevada Street
Urbana, Illinois 61801
Research Assistant

Summer 1988
Zuckert, Scoutt and Rasenberger
888 17th Street, NW
Washington, DC 20006
Law Clerk

1987 – 1988
University of Illinois
Department of Political Science
1407 West Gregory Drive
Urbana, Illinois 61801
Teaching Assistant

Summer 1987
United States Attorney's Office for the Central District of Illinois
318 South Sixth Street
Springfield, Illinois 62701
Law Clerk

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Department of Justice, Certificate of Appreciation (2009)
Federal Bureau of Investigation, Certificate of Appreciation (2006)
Department of Justice, OCDEF and Asset Forfeiture National Award for Outstanding Asset Forfeiture (2004)
Illinois State Police, Metropolitan Enforcement Group and Task Force Award for Prosecution (2003)
Federal Bureau of Investigation, Certificate of Appreciation (2000)

Department of Justice, Certificate of Appreciation (1999)
Drug Enforcement Administration, Certificate of Appreciation (1999)
Illinois State Police, Metropolitan Enforcement Group and Task Force Award for
Prosecution (1992, 1994)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Illinois State Bar Association (1989 – 1991, 2000 – 2002)

Illinois Trial Lawyers Association (1989 – 1992)

National Association of Assistant United States Attorneys (2000 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Illinois, 1989
Florida, 1991 (inactive)

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Seventh Circuit, 1989
United States District Court for the Central District of Illinois, 1989
United States District Court for the Northern District of Illinois, 1990
Illinois Supreme Court, 1989
Florida Supreme Court, 1991

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

University of Illinois Alumni Association (1989 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, the organization listed in response to 11(a) above does not currently discriminate and did not formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom

the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

March 30, 2011: Instructor, Department of Justice National Advocacy Center, Columbia, South Carolina. I joined James Barlow, Head of Security Operations and Incident Response for the National Center for Supercomputing Applications at the University of Illinois, in a discussion of Operation Piper Down (FBI Major Case 216). Mr. Barlow presented the technical aspects and I answered questions concerning legal issues that arose during the investigation. I have no notes, transcript or recording. The event was sponsored by the Department of Justice, Computer Crime and Intellectual Property Section, 1301 New York Avenue, NW, Suite 600, Washington, DC 20530.

April 20, 2006: Panel member, Department of Justice National Advocacy Center, Columbia, South Carolina. I participated in a panel discussing and answering questions concerning the investigation and prosecution of cybercrimes. I have no notes, transcript or recording. The event was sponsored by the Department of Justice, Computer Crime and Intellectual Property Section, 1301 New York Avenue, NW, Suite 600, Washington, DC 20530.

April 24, 2003: Panel member, Department of Justice National Advocacy Center, Columbia, South Carolina. I participated in a panel discussing and answering questions concerning the investigation and prosecution of cybercrimes. I have no notes, transcript or recording. The event was sponsored by the Department of Justice, Computer Crime and Intellectual Property Section, 1301 New York Avenue, NW, Suite 600, Washington, DC 20530.

June 26, 2002: Panel member, Department of Justice National Advocacy Center, Columbia, South Carolina. I participated in a panel discussing and answering questions concerning the investigation and prosecution of network cybercrimes. I have no notes, transcript or recording. The event was sponsored by the Department of Justice, Computer Crime and Intellectual Property Section, 1301 New York Avenue, NW, Suite 600, Washington, DC 20530.

October 6, 1999: Panel member, Department of Justice Computer and Telecommunications Coordinator Annual Conference, Houston, Texas. I participated in a panel discussing and answering questions concerning the unclassified aspects of Operation Moonlight Maze. I have no notes, transcript or recording. The event was sponsored by the Department of Justice, Computer Crime and Intellectual Property Section, 1301 New York Avenue, NW, Suite 600, Washington, DC 20530.

November 17, 1998: Panel member, Department of Justice Computer and Telecommunications Coordinator Annual Conference, San Diego, California. I participated in a panel discussing and answering questions about difficulties in the investigation and prosecution of federal computer crimes. I have no notes,

transcript or recording. The event was sponsored by the Department of Justice, Computer Crime and Intellectual Property Section, 1301 New York Avenue, NW, Suite 600, Washington, DC 20530.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Scott Richardson, *State Suspects Coyote Poisoning*, Bloomington Pantagraph, October 8, 2005. Copy Supplied.

Staff Reporter, *Ex-Boy Scout Official Charged with Child Pornography*, Associated Press, October 26, 1995. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have never held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed

you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public offices. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held office in or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1989 – present

United States Attorney's Office for the Central District of Illinois

201 South Vine Street

Suite 226

Urbana, Illinois 61801

First Assistant United States Attorney (2010 – present)

Urbana Branch Supervisor (2007 – 2010)

Assistant United States Attorney (1989 – 2007)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I joined the United States Attorney's Office for the Central District of Illinois in November 1989 immediately after I was sworn into the Illinois Bar. For the first four years, my practice was both civil and criminal. The civil area of my practice was primarily bankruptcy, especially Chapter 12 bankruptcies involving farms. I also handled tort claims against the government. The criminal area of my practice was general and included cases involving drugs, firearms, violent crime, and simple fraud.

From approximately 1993 to 2007, my practice was almost exclusively criminal. I also shifted from general criminal to prosecuting larger drug conspiracies, complex frauds, and computer-related investigations.

In 2007, I was appointed Branch Chief for the Urbana Division of the United States Attorney's Office for the Central District of Illinois. As the Urbana Branch Chief, I directly supervised the investigations and cases of five other Assistant United States Attorneys and support staff in matters arising from the 11 counties which make up the Urbana Division. I also maintained a full caseload during this time.

In 2010, I was appointed to the position of First Assistant United States Attorney. In that capacity, I assist the United States Attorney and help oversee the day-to-day operations of the United States Attorney's Office for the Central District of Illinois. My assistance to the United States Attorney includes helping in the supervision of all administrative, personnel and operational activity in the United States Attorney's Office; all federal criminal investigations, prosecutions and appeals taking place in the Central District of Illinois; all civil defensive and affirmative litigation in which the United States is a party; all communication and coordination with the Department of Justice; as well as all law enforcement coordination and community and media outreach.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As an Assistant United States Attorney, my only client has been the United States government. I have a minor specialization in cybercrime matters.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

From 1990 to 2010, I appeared in court on almost a daily basis, handling initial appearances, detention hearings, probable cause hearings, suppression hearings, motion hearings, change of plea hearings, trials and sentencings. During this time period, I also appeared almost monthly before the Grand Jury to present witnesses and indictments.

In 2010, when I was appointed to the position of First Assistant United States Attorney, my matters and cases were transferred to other AUSAs. As First Assistant, I appear in court several times a month in a supervisory capacity.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 100% |
| 2. state courts of record: | ___% |
| 3. other courts: | ___% |
| 4. administrative agencies: | ___% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 2% |
| 2. criminal proceedings: | 98% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

From 1990 through 2010, I tried approximately 60 jury trials (and three bench trials) to verdict. I was the sole prosecutor in all but approximately eight of those trials. In those trials in which I was not the sole prosecutor, I was the associate counsel (co-counsel).

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 95% |
| 2. non-jury: | 5% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never appeared before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of

the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *United States v. Ellzey et al.*, CDIL CR97-20046, 182 F.3d 923 (7th Cir. 1999) (unpublished)

This trial was the culmination of a multi-year investigation into cocaine trafficking by the Gangster Disciples street gang in Decatur, Illinois. The investigation and prosecutions resulted in the conviction of 32 members on various conspiracy, drug, and weapons charges. At the time of his arrest, Ellzey was the “Assistant Governor” of the Decatur Gangster Disciples. I served as lead counsel and first chair at Ellzey’s trial. After his conviction, Ellzey received a statutorily mandated sentence of life imprisonment without possibility of release. This conviction was affirmed on appeal.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for Ellzey:
Jon Gray Noll
Noll Law Office
802 South Second Street
Springfield, IL 62704
(217) 544-8441

2. *United States v. Hood, et al.*, CDIL CR00-20046 (19 defendants), 378 F.3d 720 (7th Cir. 2004) (Diamond I); 400 F.3d 491 (7th Cir. 2005) (Turner)

Hood and 18 other conspirators engaged in a multi-million dollar fraud known as “Omega Trust and Trading.” Hood and his other conspirators defrauded the victims by enticing them to become involved in the highly-secretive world of “off-shore debentures,” promising a 50-to-1 return in less than a year for every \$100 invested. The money defrauded from the investors was then laundered and used to purchase real estate and invest in multiple businesses. Seventeen of the conspirators eventually pled guilty. Two of them, Diamond and Turner, each separately proceeded to a lengthy trial. Both were convicted. I was the co-counsel on the overall investigation, second chair on the trial of Diamond, and first chair on the trial of Turner. The defendants’ convictions were upheld on appeal; Diamond was re-sentenced after appeal.

Presiding Judge: United States District Judge Michael P. McCuskey

Co-Counsel:
Associate Judge Esteban F. Sanchez
Sangamon County Courthouse
200 South Ninth Street
Springfield, IL 62701
(217) 753-6367

Counsel for Diamond:
Diana S. Lenik
Law Office of Diana Lenik
202 West Green
Urbana, IL 61801
(217) 337-5610

Counsel for Turner:
John E. Gadau
Zimmerly, Gadau, Selin, & Otto
P.O. Box 3998
Champaign, IL 61826
(217) 352-7676

Counsel for Schnibben:
J. William Roberts
Hinshaw & Culbertson
Suite 200
400 South Ninth Street
Springfield, IL 62701
(217) 528-7375

Counsel for C. Hood:
Douglas C. McNabb
McNabb & Associates
1200 Smith Street
Suite 1600
Houston, TX 77002
(713) 237-0011

Counsel for P. Hood:
J. Steven Beckett
Beckett & Webber
508 South Broadway
Urbana, IL 61803
(217) 328-0263

Counsel for B. Wilson:
James E. Elmore

Elmore & Reid
808 South Second Street
Springfield, IL 62704
(217) 523-2340

Counsel for J. Wilson:
John W. Cox, Jr.
Cox & Ward
612 Spring Street
Galena, IL 61036
(815) 777-8180

Counsel for Kodosky:
Jerold W. Barringer
P.O. Box 213
Nokomis, IL 62075
(217) 563-2646

Counsel for Tillquist-Baibus:
David Kirk
1022 1/2 North Vermilion Street
Danville, IL 61832
(217) 443-2350

Counsel for Myers:
Scott R. Ealy
131 East Jefferson Avenue
Effingham, IL 62401
(217) 347-4900

Counsel for Engel:
Stanley L. Morris
LTC Management Inc.
2302 Clearlake Boulevard
Champaign, IL 61826
(217) 403-4900

Counsel for Haskell:
Carlton M. Kagawa
Carlton M. Kagawa Law Offices
Suite 200H Towne Center
2 East Main Street
Danville, IL 61832
(217) 446-0145

Counsel for Boes:
H. Kent Heller

Heller, Holmes & Associates
P.O. Box 889
Mattoon, IL 61938
(217) 235-2700

Counsel for R. Jones:
Mitchell K. Shick
Shick & Tapella
821 Monroe Avenue
P.O. Box 348
Charleston, IL 61920
(217) 348-6300

Counsel for N. Jones:
Mitchell K. Shick
Shick & Tapella
821 Monroe Avenue
P.O. Box 348
Charleston, IL 61920
(217) 348-6300

Counsel for Miller:
James L. Dobrovolny
Dobrovolny Law Offices
306 West Green Street
Urbana, IL 61801
(217) 344-2376

Counsel for McKibben:
Ronald E. Jenkins
10 South Brentwood Boulevard
Suite 200
Clayton, MO 63105
(314) 721-2525

Counsel for Hoehne:
Warren Gotcher
P.O. Box 160
McAlester, OK 74502
(918) 423-0412

Counsel for Bullington:
E. C. Eberspacher
Dove & Dove
151 South Morgan Street
P.O. Box 647

Shelbyville, IL 62565
(217) 774-2137

3. *United States v. Patel*, CDIL CR98-20040

Modern Dairy was a Meadow Gold Dairy-affiliated business operating in Champaign, Illinois for decades, employing approximately 230 people. In December 1995, Patel purchased Modern Dairy, and for the next ten months, fraudulently siphoned money from the dairy, laundering it through several banks. Eventually the dairy's day-to-day operations became untenable. Modern Dairy was closed when it filed for bankruptcy. Patel was indicted and pled guilty to bankruptcy fraud and money laundering based upon the theft and concealment of the operating revenue of the dairy and the employees' pension fund. I was the lead counsel on the case. There was no appeal.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for Patel (lead counsel):

J. William Roberts
Hinshaw & Culbertson
400 South Ninth Street
Suite 200
Springfield, IL 62701
(217) 528-7375

4. *United States v. Barefield, et al.*, CDIL CR99-20022, 6 Fed. Appx. 351 (7th Cir. 2001) (unpublished)

From 1991 until April 1998, seven members of the Barefield family of Champaign ran a highly successful stolen car operation, using sophisticated techniques. Hundreds of cars were stolen from east central Illinois to Chicago and east to Gary, Indiana. All seven of the indicted members of the Barefield family pled guilty. I was the lead counsel on the case. One defendant unsuccessfully appealed his conviction and sentence.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for L. Barefield:

John C. Taylor
Assistant Federal Defender
300 West Main Street
Urbana, IL 61802
(217) 373-0666

Counsel for F. Douglas Barefield:

Scott A. Lerner
Lerner Law Offices
201 West Springfield Avenue
Suite 608

Champaign, IL 61824
(217) 356-8381

Counsel for A.W. Barefield:
Michael J. Costello
Costello Law Office
820 South Second Street
1st Floor
Springfield, IL 62704
(217) 544-5500

Counsel for F. David Barefield:
Willie Harris
504 Broadway
#1016
Gary, IN 46402
(219) 882-3424

Counsel for F.L. Barefield:
Ralph E. Williams
P.O. Box 3081
Springfield, IL 62708
(217) 414-8290

Counsel for A. Barefield:
Walter Ding
Dodson, Piraino & Associates
501 West University Avenue
Suite 100
Champaign, IL 61820
(217) 359-8200

Counsel for N. Barefield:
Andrew J. McGowan
Assistant Federal Public Defender
401 Main Street
Suite 1500
Peoria, IL 61602
(309) 671-7891

5. *United States v. White*, CDIL CR03-20092, 519 F.3d 342 (7th Cir 2008)

From 1997 through 2003, White gradually became the largest cocaine dealer in Decatur, Illinois. As a result, he became the focus of a federal investigation. In late 2003, multiple search warrants were executed at homes and businesses related to White. More than a dozen firearms were recovered, including two fully automatic assault rifles. Agents also seized hundreds of rounds of ammunition, bullet-proof vests, scales, safes, and two SUVs

with electronically controlled hidden compartments, along with several kilos of cocaine. White was indicted on both drug and firearm charges. He pleaded guilty to the firearm charges and proceeded to trial on the drug charges. After a hotly-contested trial, White was found guilty. I was the first chair at the trial. White's conviction and sentence were affirmed on appeal.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for White:
Jon Gray Noll
Noll Law Office
802 South Second Street
Springfield, IL 62704
(217) 544-8441

6. *United States v. Wilson, et al.*, CDIL CR09-20090

In 1990, Wilson was convicted of a federal firearms offense and sentenced to a mandatory minimum 15 years imprisonment as an Armed Career Criminal. On August 4, 2007, while on federal supervised release from his earlier conviction, Wilson, accompanied by his look-out, Martin, robbed the First Federal Savings bank in Champaign, Illinois. Before they could successfully make their getaway, they were arrested. Wilson pled guilty. Martin proceeded to trial and was found guilty. I was the first chair at the trial. Neither Wilson nor Martin appealed.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for Wilson:
David N. Rumley
Law Office of David N. Rumley
401 West Elm Street
Urbana, IL 61801
(217) 778-8142

Counsel for Martin:
Harvey C. Welch
Welch & Hicks
401 West Elm Street
Urbana, IL 61801
(217) 367-3200

7. *United States v. Hamilton*, CDIL CR97-20044, 142 F.3d 440 (7th Cir. 1998)
(unpublished)

Hamilton was a multiple-convicted crack cocaine dealer. He avoided additional convictions by intimidating witnesses and offering to pay crack addicts to store his crack cocaine stash in their homes. During the execution of a state search warrant, Hamilton

was found with a quarter-kilogram of crack, scales, a razor, and plastic baggies. He was indicted on drug charges and proceeded to trial. Prior to his trial, he successfully intimidated several witnesses and they refused to testify. Nevertheless, after a highly contentious trial, the jury convicted Hamilton. He was sentenced to mandatory life imprisonment without possibility of release. I was the first chair at the trial. Hamilton's conviction and sentence were upheld on appeal.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for Hamilton:
Patricia Bender
5415 North Sheridan Road
Suite 1411
Chicago, IL 60640
(no telephone listed with Illinois ARDC)

8. *United States v. Henkel*, CDIL CR07-20021

Henkel was a captain in the Army National Guard who served in Iraq during Operation Iraqi Freedom. He became frustrated and bitter towards the Army when he was passed over for a promotion to major. When his unit returned from Iraq in 2006, Henkel concealed much of his unit's equipment. Henkel then attempted to sell approximately \$90,000 worth of functional military equipment both privately and on e-Bay. Before Henkel could sell most of the equipment, his house was searched and hundreds of pieces of stolen military equipment were recovered. Henkel was indicted and pled guilty to theft of government property. I was the lead prosecutor on the case. There was no appeal.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for Henkel:
John C. Taylor
Assistant Federal Defender
300 West Main Street
Urbana, IL 61802
(217) 373-0666

9. *United States v. Jones*, CDIL CR02-20092, 455 F.3d 800 (7th Cir. 2006)

Jones operated a lucrative crack house in Decatur, Illinois. When police executed a search warrant, they found a small amount of crack and money next to Jones' identification and personal effects near the front door of the house. In an abandoned back bedroom of the house, agents discovered 175 crack cocaine rocks and \$1,700 in cash hidden in a paper bag behind a metal radiator. Jones was indicted and proceeded to trial. During the trial, an expert witness testified that experienced drug distributors often separated their "street" amounts of money and crack from their "stash" so that if they were robbed while making a crack sale, they would not lose everything. Further, Jones' prior felony drug convictions were introduced under Fed. R. Evid. 404(b) to provide a

foundation for the argument that Jones was familiar with the technique of separating the “street” amount from the “stash.” I was the first chair at the trial. Jones was convicted and appealed. On appeal, Jones’ conviction and sentence were upheld. Further, the appellate opinion focused on the Fed. R. Evid. 404(b) issue and clarified the procedure a district court should follow in determining whether the prosecution may introduce this type of evidence.

Presiding Judge: United States District Judge Michael P. McCuskey

Counsel for Jones:
Andrew J. McGowan
Assistant Federal Defender
401 Main Street
Suite 1500
Peoria, IL 61602
(309) 671-7891

10. *United States v. Lustfeldt*, CDIL CR07-20075

Lustfeldt was employed with The First National Bank of Gilman, Illinois, Watseka Branch, as one of the bank’s more senior employees. In April 2007, bank personnel discovered that Lustfeldt had embezzled approximately \$18,000. The prosecution was made more complicated because Lustfeldt’s husband was a local judge. After the local State’s Attorney declined to charge Lustfeldt, she was federally indicted. She retained a former Assistant United States Attorney and attempted to negotiate an exceptionally favorable plea agreement because of her charitable activities and her position on various civic boards. These attempts were unsuccessful. As a result, Lustfeldt pled guilty without a plea agreement. I was the lead prosecutor in the case. There was no appeal.

Counsel for Lustfeldt:
Lawrence S. Beaumont
Law Office of Lawrence S. Beaumont
53 West Jackson
Room 626
Chicago, IL 60603
(312) 765-6000

18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While I have directed hundreds of Grand Jury investigations, approximately one dozen of them were both significant and, through an exercise of prosecutorial discretion, resulted

in no charges being brought against the subject or target of the investigation. Three of these Grand Jury investigations involved matters of national security, which later became classified; several of them also involved allegations of public corruption at the state level.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

If I am confirmed, I have no plans, commitments or agreements to pursue outside employment, with or without compensation during my service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If any matter were to arise that involved an actual or potential conflict of interest, I would handle it by careful and diligent application of the Code of Conduct for United States Judges as well as other relevant canons and statutory provisions.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will employ all applicable guidelines, including Canon 3 of the Code of Conduct for United States Judges and other applicable rules, statutes and practices. I will always be mindful of the judiciary's responsibility to avoid actual conflicts and the appearance of them. I also anticipate seeking advice from my learned colleagues as appropriate.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Because most of my career has been in public service as a prosecutor, I have not provided any *pro bono* legal services. However, I have tried to serve the disadvantaged and my community in other ways.

Since 2003, I have consistently made contributions to the Central Illinois Chapter of the American Red Cross and was specially recognized for my efforts in 2007.

Over the last twelve years, I also participated in various charitable community events as they have arisen. For example, most recently in 2012 I helped organize a 5K charitable run for Imagine No Malaria to purchase bed nets for families in Africa. In 2011, I participated in Feed My Starving Children to help children in need receive ready-packed meals.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In 2009, Senator Richard Durbin convened a Selection Committee to consider applicants for the district court vacancies in the Central District of Illinois. I applied to this Committee and was interviewed by it in late 2009. In January

2010, I interviewed with Senator Durbin's staff, and I subsequently interviewed with Senator Durbin. On February 26, 2010, Senator Durbin forwarded my name to the White House, but I was not selected for nomination at that time. In November 2012, I contacted Senator Durbin's staff after learning about another upcoming vacancy in the Central District of Illinois, and I interviewed with Senator Durbin on January 9, 2013. Since January 24, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On February 28, 2012, I met with officials from the White Counsel's Office and the Department of Justice in Washington, DC. On April 30, 2013, the President announced his intent to nominate me, and on May 6, 2013, the President submitted my nomination to the Senate.

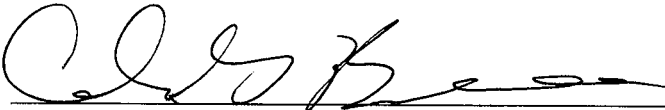
- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

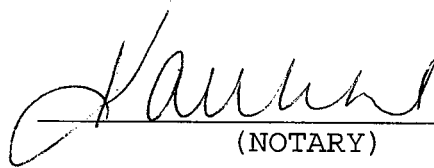
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AFFIDAVIT

I, Colin S. Bruce,
do swear that the information provided in this statement is, to
the best of my knowledge, true and accurate.

April 30, 2013
(DATE)


(NAME)


(NOTARY)

